



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, Associate Planner

Date: December 22, 2015

Re: Cases ZB 2015-19 (V) | 200 N. Morton Street | Don's Auto Sales

REQUESTS:

Case ZB 2015-19 (V)...200 N. Morton Street. A request for development standards variances from the City of Franklin Zoning Ordinance, Article 5, Chapter 4 to allow Outdoor Merchandise Storage Areas (Vehicles For Sale), and Article 7, Chapter 10, Part 3, to allow merchandise vehicles to be stored in an area without individually painted parking spaces, in the MXC: Mixed-use, Community Center zoning district and the Gateway-Overlay Zoning District. The subject property is known as Lot 13 in Thompson and McNutt's Addition, located on the northwest corner of King Street and N. Morton Street; common address of 200 N. Morton Street.

PURPOSE OF STANDARD:

The "MXC", Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-mid-sized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

CONSIDERATIONS:

Proposed Use

1. Chris Young, on behalf of Don's Auto Sales, has submitted a preliminary site plan for a car dealership at 200 N. Morton Street. The property has an existing building, with a 15' x 16' showroom/office area, and an asphalt parking lot.
2. The preliminary site plans associated with this request have been submitted for administrative review for parking and interior drive standards compliance (see attached site plans).
3. According to the City of Franklin Zoning Ordinance, automobile/motorcycle sales and service is listed as an auto-oriented use (large scale), and is defined as: Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles, and others listed under the heading of Auto-Oriented Uses, Large Scale by the Land Use Matrix included in this Ordinance. This does not include any uses, such as auto repair shops or gas stations, listed under the headings of auto-oriented uses medium or small scale.
4. Auto-oriented uses (large scale) are permitted in the MXC: Mixed-use, Community Center and the MXR: Mixed-use, Regional Center zoning districts.

Gateway Overlay District – Outdoor Merchandise Storage Areas (Vehicles For Sale)

5. According to Article 5, Chapter 4, merchandise may be stored or displayed for sale to customers only in areas immediately adjacent to the primary structure on each property. The storage of outdoor merchandise for sale elsewhere on the property shall be prohibited.
6. Outdoor Storage is defined as: The keeping of items for sale, the products of manufacturing, materials used in production, **vehicles**, and other similar materials and/or equipment in an area outside of any building.
7. *The petitioner is requesting relief from this standard, to be allowed to display vehicles for sale in a specific “show area,” which would not limit them to vehicles immediately adjacent to the building.*

Non-Delineated Merchandise Parking

8. According to Article 7, Chapter 10, all parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete to the nearest paved street. All parking areas shall be clearly painted to show each parking space.
9. Article 7, Chapter 10 requires one (1) parking space be provided for each vehicle on display at an auto dealership (of an appropriate size, and to be used for the storage of each vehicle).
10. *The petitioner is requesting relief from this standard, to not individually paint the merchandise vehicle “show area” parking spaces. Petitioners wish to display merchandise vehicles at different angles and want to be able to freely change the orientation of vehicles to attract customers.*

Parking Requirements

11. According to Article 7.10:
 - A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - a. Every 500 sq.ft. of Auto Sales Show Room space;
 - b. Each employee working on the largest shift
 - c. Each merchandise vehicle; and
 - d. Each business vehicle.
 - e. At least one (1) space must be reserved for disabled persons.
 - Minimum parking stall size is 9' x 18' and must be striped.
 - Each parking space must be paved with asphalt or concrete.
12. Therefore, according to Article 7.10, the following number of off-street parking spaces required for the proposed use are:
 - a. Auto sales show room (240 sq. ft.): 1 space
 - b. Employees on largest shift (2): 2 spaces
 - c. Merchandise vehicles: requesting non-delineated “show area”
 - d. Business vehicles (0): 0 spaces
 - e. Disabled Persons spaces required: 1 space
 - f. TOTAL SPACES REQUIRED: 4 spaces
13. At least one (1) space provided must be reserved for disabled persons, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.

Comprehensive Plan & Zoning Ordinance

14. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. “Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community.”

15. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
16. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
17. The surrounding zoning and land uses are as follows:
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|---|---------------------------------|
| Surrounding Zoning: | Surrounding Land Use: |
| North: MXC, Mixed-use: Community Center | North: Speedway Fuel Station |
| South: MXC, Mixed-use: Community Center | South: A-1 Bail Bonds |
| East: MXC, Mixed-use: Community Center | East: American Rental |
| West: MXC, Mixed-use: Community Center | West: Single-family Residential |

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCES

- 1. General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

Staff Finding:

Staff finds the approval of the proposed variances will not be injurious to the public health, safety or general welfare of the community. Staff finds the outdoor storage and display of merchandise vehicles for sale, as proposed, will not be injurious to the public or general welfare in any way. Staff further finds the request for a merchandise vehicle "show area" will not be injurious to the public health and safety, as long as, the merchandise "show area" is marked with appropriate pavement markings, for the entire boundary of the "show area," and the merchandise vehicles are stored completely within the painted boundaries.

- 2. Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.***

Staff Finding:

Staff finds approval of the variance requests for an outdoor merchandise (vehicle) storage area and non-delineated merchandise parking spaces will not affect the use and value of adjacent properties in any way. Auto sales facilities are common along the N. Morton St. / US Hwy 31 corridor and several of those facilities also utilize non-delineated parking areas for merchandise vehicles; approval of this request will not substantially alter the character of the immediate vicinity.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

Staff Finding:

The strict application of the ordinance will result in practical difficulties for the requested variances. Staff finds no practical reason to prohibit outdoor storage of merchandise vehicles at this location, with the proposed site layout. Moreover, it is not practical to strictly require the merchandise vehicles be parked within individually delineated parking spaces, when the merchandise vehicle storage area can be bounded and painted to allow the petitioner to change the orientation of display vehicles to attract business.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **approval** of the petition, with the following conditions:

1. The merchandise vehicle “show area,” with non-delineated parking spaces, shall have a solid white line, marked with appropriate pavement markings, for the entire boundary of the “show area,” as indicated on the attached site plan.
2. All merchandise vehicles shall be stored completely within the marked boundaries of the merchandise vehicle “show area.” Merchandise vehicles parked over the boundary line or within any of the required employee or customer parking spaces or interior drives shall be strictly prohibited.
3. Required parking spaces for employees and customers shall be provided as individually delineated parking spaces and shall be marked with appropriate pavement markings, as indicated on the attached site plan, and in accordance with the zoning ordinance standards.
4. Storage of car carrier trucks and/or trailers, including loading/unloading, in excess of two (2) hours shall be prohibited.
5. All necessary permits/approvals shall be obtained, including but not limited to: site development plan approval, building permits, sign permits, etc.